City of Hart, Michigan
CITY COUNCIL AGENDA
April 26, 2022, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Evans, Hodges, Klotz, Rybarz Jr., Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter that is not included on the agenda for a public hearing by the Council. We ask that you please limit your comments to 3 minutes**
    a. Correspondence, Events, Presentations
6. Consent Agenda:
    a. Approval of Minutes from April 12, 2022 Council meeting.
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp.
7. Action Items
    a. Ordinance 22-03 Amend Automatic Expiration of Marihuana Establishment Ordinance – First Reading
8. Discussion Items
    a. Land swap proposal
    b. Special Event Permit – National Asparagus Festival
9. City Manager Report
10. Communications from the Mayor and Council
11. Adjournment –

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
April 12th , 2022
MINUTES – Draft

PRESENT: Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz, and Kris Trygstad
ABSENT: Fred Rybarz
OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, Hart Police Chief – Juan Salazar, H.E.A.R.T Director Nicole Kleiner, Craig Hardy, Amy Trudell, and Bill Volpp

Mayor Platt called the meeting to order; following the roll call, the mayor led the Council in the pledge of allegiance.

APPROVAL OF AGENDA:

- C. Burillo motioned to approve the agenda and was supported by J. Evans
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS: County Commissioner Craig Hardy from District 3, wanted to speak about the ARPA funds that the County received, to apply for the Grant just go to our website Oceana.Gov.Mi/ARP that will pull up the form needed to be filled out.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Hart Area Fire Department Annual Budget communication
- MMEA Spring General Membership Meeting will be held at Fredrick Meijer Gardens on May 20th. City Manger Splane will be attending, and this is also offered to Planning Commission Members as well as Council which are encouraged to attend.

CONSENT AGENDA:

- Approval of minutes from March 22nd, 2022.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - C. Burillo motioned to approve Consent Agenda supported by J. Evans
    - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2022-16 Michigan Department of Transportation Performance Resolution 2207B
  This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way". And/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".
  RESOLVED WHEREAS, the City of Hart hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various location within and adjacent to its corporate limits.
  NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:
  1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be

interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to the public or private property and for injuries to person arising our of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPLAITY Failure of the MUNICIPLITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPLAITY by a contractor of subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNCIPLITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by the way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contactor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPLAITY or the DEPARTMENT with no less then thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

- City Manager
- City Clerk/Treasurer

- Deputy City Clerk/Treasurer
- Hart Energy Superintendent
- Hart DPW Superintendent
- Hart BioPure Superintendent
    - J. Evans motioned to approve Resolution 2022-16 and supported by A. Klotz
        - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- Special Events Permit – Hart Sparks
- 2019 Marijuana Ordinance review

CITY OF HART COUNTY OF OCEANA, MICHIGAN At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 State Street, within the City, on the 8th day of October, 2019, at 7:30 p.m. PRESENT: Members: LaPorte, Frontiera, Hegedus, Martin, Platt and Splane ABSENT: Members: La Fever The following preamble and ordinance were offered by Member Hegedus and supported by Member Ms. Platt: ORDINANCE NO. 19-03 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART BY DELETING THE PROVISIONS OF ORDINANCE NO. 18-06 AND ORDINANCE NO. 18-07 AND REPLACING THOSE PROVISIONS WITH THE FOLLOWING PROVISIONS WHICH SHALL NOW COMPRISE ALL OF CHAPTER 818 TO PART 8 – THE BUSINESS REGULATION AND TAXATION CODE, TITLE II THE CITY OF HART ORDAINS: Section 1. Repeal of Ordinances 18-06 and 18-07. Ordinances 18-06 and 18-07, intended to create Chapter 818 "Prohibition of Marihuana Establishments" and to add to the City ordinances prohibitions on sale and consumption of marihuana in public places, and to amend Part 10, Title VI, Chapter 1068 "Prohibitions on Sale and Consumption of Marihuana in Public Places" are hereby repealed and replaced in their entirety by the following provisions, which shall be included in Part 8 Business Regulation and Taxation Code. The provisions shall comprise Chapter 818 and shall read in their entirety as follows: CHAPTER 818 REGULATION OF MARIHUANA BUSINESSES, SALE, POSSESSION AND CONSUMPTION 818.01 Prohibition on Recreational Marihuana Establishments. Any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the City and may not be established or operated in any zoning district, by any means, including by way of a variance. The City of Hart has determined that the licensing of marihuana facilities or establishments within the City should not be permitted for policy reasons, including public safety, law enforcement concerns and the limited amount of appropriately zoned space for certain of these facilities and establishments. Pursuant to this ordinance, the City specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the City. This prohibition shall also include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana establishment. 818.02 Medical Marihuana Facilities Prohibited. Public Act 281 of 2016 provided for State licensing of certain defined marihuana facilities, including growers, processors, provisioning centers, safety compliance facilities and secure transporters ("marihuana facilities"). Section 205 of Act 281 provides that a marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility. Pursuant to this ordinance, the City specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the City. This prohibition shall also include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana facility, and unless this ordinance is amended, nothing in the ordinances of the City of Hart shall be construed as satisfying the requirement in Section MCL 333.27205(1)(a), which requires that prior to issuance of a license, a copy of the local ordinance authorizing a marihuana facility be submitted to the State of Michigan. 818.03 Medical Marihuana Rights Not Affected.

Nothing in this Chapter shall limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. 818.04 Transportation and Other Rights not Affected. This section shall not limit or supersede any privileges, rights, immunities or defenses of a person to transport marihuana into or through the City to the extent such right is protected by the Michigan Regulation and Taxation of Marihuana Act or other state laws, nor does it supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act. This ordinance does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use. 818.05 Use or Possession of Marihuana on City Property is Prohibited. No person shall possess, use, be impaired by or distribute marihuana on City property. 818.06 Prohibition on Sale and Consumption of Marihuana in Public Places. In conformance with Sections 4.1(e) and 6.2(b) of the Michigan Regulation and Taxation of Marihuana Act, the sale, possession, or consumption of marihuana in any form, the smoking of marihuana, and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public place within the boundaries of the City. 818.07 Municipal Civil Infraction. Any person who violates any of the provisions of this Chapter 818 shall be responsible for a municipal civil infraction punishable by a civil fine of $500, plus court-imposed costs. 818.08 Automatic Expiration of Ordinance. Unless confirmed, extended, or revised within three (3) years of the effective date of this ordinance, the provisions contained in Sections 818.01 through 818.07 shall expire and be of no further force and effect within the City, as if they had never been adopted. No action shall be required for this expiration to be effective. Section 2. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed. Section 3. Publication; Effective Date. This ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart. ORDINANCE DECLARED ADOPTED. _____ Ron LaPorte, Mayor Dated: October 8, 2019. _____ Cheryl Rabe, City Clerk City of Hart CERTIFICATION I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Oceana's Herald-Journal, a newspaper of general circulation in the City, on September 19, 2019, and that such ordinance was entered with the Ordinance Book of the City on October 8, 2019. Dated: October 8, 2019. _____ Cheryl Rabe, City Clerk City of Hart 02633463 1 4 CITY OF HART, OCEANA COUNTY, MICHIGAN Councilmember Hegedus, supported by Councilmember Platt, moved the adoption of the ordinance. Ayes: 6 Nays: 0 Absent:1 First reading: September 24, 2019, Second reading: October 8, 2019 Ordinance becomes effective: _October 19, 2019

- A. Klotz motioned to review Ordinance No. 19-03 in two (2) years and supported by K. Trygstad.
  - Ayes: 6 Nays: 0 Absent: 1

- Downtown street scape planning and tree removal
  April 7th, 2022
  RE: Tree trimming and tree removal – Downtown business district
  Mayor Platt and distinguished council members,
  As the weather continues to improve, we are planning summer tree trimming along State Street and Main Street in our core business area. Per out previous discussions, the trees that currently occupy sidewalk space downtown are not appropriate for their current use and require trimming every other year.
  The TIFA board continues to plan for a street scape project that will include public input and require council approval. The City is working to align the street scape project with sidewalk and street work, including the replacement of water service lines per State mandate.
  Due to the trees needing trimming this year, it would be an efficiency measure to begin some tree removal to parallel the trimming. I would propose that the City Council authorize the removal of up to 50% of the trees

along State Street from Lincoln to State Street and on State Street from Hart to Courtland. There are currently 50 trees in this area. Any tree to be cut down would require permission from the adjacent business/property owner. This will continue to build the Cities relationship with our business community, while helping the City to prepare for the Street Scape Project and envision new greenspace with that project. Many business owners have indicated their desire to remove the trees to allow for better visibility of their business/signage while removing the presence of debris that falls from the trees throughout the season.

Positive benefits of this will include expanded sidewalk space for public gathering, labor savings, and an opportunity to see areas as a "blank slate" for Street Scape visioning. Due to the nature of the trees being planted in the sidewalk full removal would be difficult. Pulling the trees would certainly damage the sidewalk and stump grinding would be difficult or impossible in some locations. As a potential opportunity, community members who are involved in a new art initiative named. The H-Art Project, would welcome this as an opportunity to create some art from the remaining stumps. They envision repurposing them as stools, pub height tables, checker boards, and other artful expressions.

- TIFA – Review planning activities and public response to restated plan,

  With the new TIFA plan approved the TIFA board got push back only from the OCCOA, which the TIFA board is willing to work with and encouraged them to present a plan in order to reduce the amount of capture and bring to the May meeting.

  Top Projects for TIFA is the CERES Property, and the Walkers Property which they are supporting the match needed for Grants they will be receiving to help renovate these property's.

CITY MANAGER'S REPORT:

- City Manager R. Splane gave copy of manager's report to City Council
- City Halls closed on Thursday April 14th,2022 for maintenance and Friday April 15th,2022 for Good Friday Holiday
- Budget work is in progress, City Council will be given a full review of the proposed 2023 City budget with ample opportunity for discussion on May 10th. A Public Hearing on the budget will take place on May 24th with budget adoption by Council on June 14th.
- City Union Contract Negotiations will be Wednesday April 20th, 2022
- Hart Hills Bike Race Saturday – Adult races start and end at Hart Pizza at 10am, more information can be found at harthills.com
- Hart/ Silver Lake Easter Egg Hunt Saturday at Fair grounds line-up start 11:30am.
- Earth Day celebration at Fairgrounds 9am-1pm during the Oceana Conservation District Tree Sale
- Wigton Street construction in full swing, so far going as planned.
- Roads and sidewalks being surveyed. Summer sidewalk replacement and road patch work will be bid in May.
- Tree trimming north of State Street Bridge and along Russell Creek/ Chippewa Creek to take place in tandem with new City tree planting around our waterways.
- Corazon is a 10- week-old Australian Shepard rescue dog from Oceana County Animal Shelter. Little Cora would like to help stimulate community spirit as a City of Hart Mascot. The Australian Shepard is a breed of working dog developed in the United States in the 19th century. Welcome Cora!!

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Platt and City Manager Splane are going to the MRD (Michigan Rural Development) meeting, along with, Nicole who wrote a grant and City of Hart was in the top 10. So, we are working hard on trying to get the Tinman to Hart.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 8:30pm upon a motion by C. Burillo and supported by K. Trygstad. The next regularly scheduled meeting will be on April 26th, 2022, at 7:30 pm.

Respectfully Submitted

Karla Swihart

Karla Swihart, City Clerk

Payables Date: 04/26/2022	Description	Total	General +	DPW	Energy	BPTF	Water
Blue Cross Blue Shield Medicare	May Insurance Prem.	$ 2,819.74	$ 2,050.72		$ 769.02		
Bound Tree Medical	AED Electrodes	$ 86.83	$ 86.83				
Bound Tree Medical	Batteries for AED	$ 1,631.96	$ 407.99	$ 407.99	$ 407.99	$ 407.99	
BS&A	Tax System Annual Renewal	$ 362.00	$ 362.00				
Charter	Hart commons Internet	$ 114.99			$ 114.99		
CMP Distributors, Inc.	Ballistic Vest	$ 1,073.00	$ 1,073.00				
Cutter, Paul	Reimburse for Lime	$ 277.20				$ 277.20	
Freed Mgmt	JGP Pmt 1-2022	$ 3,570.00	$ 3,570.00				
Gracon	WinSvr Cal -WinRmtDsktpSrvcsCal	$ 138.25	$ 138.25				
GRP Engineering	Misc. Engineering	$ 1,141.85			$ 1,141.85		
HACH	Nitrate	$ 2,696.53				$ 2,696.53	
HACH	Phosphorus	$ 160.50				$ 160.50	
Hart Area Fire Dept	Hurst Tools Purchase	$ 4,517.50	$ 4,517.50				
Hart Cemetery Commission	1st Qtr. J-F-M Contribution	$ 4,250.00	$ 4,250.00				
Kiesler Police Supply	Ammunition	$ 401.98	$ 401.98				
Lawson-Fisher	Impoundment Date	$ 1,362.18			$ 1,362.18		
Lawson-Fisher	2021 Water Quality Monitoring Report	$ 228.89			$ 228.89		
Lawson-Fisher	2021 DSSMR Development	$ 1,265.93			$ 1,265.93		
LEAF	Police Copier Lease Fee	$ 39.00	$ 39.00				
Mika Meyers	Legal Services	$ 4,516.00	$ 4,516.00				
MPPA	Purchased Power	$ 72,556.52			$ 72,556.52		
MPPA	Purchased Power	$ 32,296.37			$ 32,296.37		
NYE Uniform	Ingalls - Jacket	$ 124.50	$ 124.50				
Oceana Auto Towing	Police Unit	$ 67.00	$ 67.00				
Oceana County Road Comm	Cold Patch Material	$ 900.42		$ 900.42			
Power Line Supply	Parts/Supplies	$ 1,904.90			$ 1,904.90		
Power Line Supply	Parts/Supplies	$ 205.27			$ 205.27		
Power Line Supply	Parts/Supplies	$ (23.14)			$ (23.14)		
Rhino Seed & Landscape	Grass Seed - JGP	$ 824.00		$ 824.00			
Rotary Club	Dues - Splane	$ 350.00	$ 350.00				
Spring Brook	Gasket	$ 122.56				$ 122.56	
Spring Brook	Gasket	$ 160.06				$ 160.06	
Spring Brook	Credit Rainbird's	$ (456.27)				$ (456.27)	
Steve's Auto	2016 Police Explorer Repairs	$ 90.00	$ 90.00				
Stoneman, Thomas	Reimburse for Physical/DOT	$ 75.67				$ 75.67	
VRC	City Hall Recycling Svc	$ 47.60	$ 47.60				
		$ -					
		$ -					
		$ -					
		$ -					
		$ -					
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		$ -					
		$ -					
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		$ -					
		$ -					
	Subtotal	$ 139,899.79	$ 22,092.37	$ 2,132.41	$ 112,230.77	$ 3,444.24	$ -
HAND CHECKS/ACH/EFT							
Alerus - ACH	*City Share 401 Retirement*	$ 3,154.09	$ 3,154.09				
US Postmaster	Postage	$ -					
Guardian	Insurance Premium	$ -					
Delta Dental	Insurance Premium	$ -					
United Group	Insurance Premium	$ -					
Blue Cross Blue Shield	Insurance Premium	$ -					
	TOTAL HAND CHECKS	$ 3,154.09	$ 3,142.89	$ -	$ -	$ -	$ -
	Sub-Total Regular Bills/Hand Checks	*$ 143,053.88*	*$ 25,235.26*	*$ 2,132.41*	*$ 112,230.77*	*$ 3,444.24*	*$ -*
Gross Payroll	535						

--OVER--

Payables Date: 04/26/2022	Description	Total	General +	DPW	Energy	BPTF	Water
	Sub-Total	$ -					
	GRAND TOTAL	$ 143,053.88	$ 25,235.26	$ 2,132.41	$ 112,230.77	$ 3,444.24	$ -

City of Hart Police Department

407 State Street Ph. (231)873-2488 Fax (231)873-0100 Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: April 12th, 2022

RECENT EVENTS

From Thursday, March 17th, 2022, through Wednesday, April 6th, 2022, the Hart Police Department received 119 complaints ranging from Threats Complaints, Vehicle Violations, Medical Assists, Trespassing, Larcenies, Assist to Other Agencies, Fraud Complaints, Well-Being Checks, Suspicious Situations, Domestic Assaults, Animal Complaints, Family Trouble and a Death Investigation.

On Thursday, March 17th, 2022, Officer Anderson, a full-time officer with the department, submitted a letter of registration from the Hart Police Department. Officer Anderson, for some time, has been contemplating seeking other employment due to no longer wanting to continue a career in law enforcement. The process of filing the vacant full-time position is ongoing.

On Thursday, March 17th, 2022, the Hart Police Department was dispatched to the 600 block of Water Street referencing a Disturbance. A 31-year-old Hart man attempted to keep a 61-year-old Hart woman from leaving the area due to the woman being suicidal. Officers arrived and noted the woman attempting to leave the scene in her vehicle. While investigating this complaint, an odor of intoxicants could be noted emitting from the woman's person. The woman was subsequently arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle While Intoxicated.

On Friday, March18th 2022, D/Sgt. Skipski presented a drug recognition class to employees of Tru-North. The participants consisted of employees from Oceana, Mason and Newaygo counties. The class was presented and allowed for question-and-answer sessions.

On Saturday, March 19th, 2022, the Hart Police Department was dispatched to the 200 block of Hart Street regarding a Well-Being Check. The Hart Public School system stated a 15-year-old student was noted messaging another student with suicidal comments about wanting to kill herself. Officers were able to make contact with the student and her grandmother. The student was not suicidal at the time of contact and turned over to her grandmother without incident. The officer explained that if the student began to feel suicidal, contact the Oceana County Community Mental Health (CMH) hotline or 911.

On Monday, March 21st, 2022, the Hart Police Department was dispatched to the 2000 block of Comfort Drive referencing a Fraud Complaint. A 29-year-old Hart woman was noted to have passed four (4) gift certificates with the same serial number on each gift certificate to a local business. It is believed that the woman photocopied the gift certificate several times and passed the photocopied gift certificates at the local business. An investigation is ongoing.

On Friday, March 25th, 2022, the Hart Police Department was dispatched to the 400 block of Griswold Street regarding a Domestic Assault. A 29-year-old Hart woman stated her boyfriend, a 36-year-old Hart man, was intoxicated and had assaulted her by restraining her wrists and ankles as the woman attempted to get away from the man. It should be noted that the man was also on probation via the Oceana County 78th District Court for an unrelated matter. The man had a stipulation while on probation not to consume alcohol. The man was intoxicated at the time of contact and refused to submit to a Preliminary Breath Test (PBT) when requested by the officer. The man was arrested and lodged at the Oceana County Jail for Domestic Assault and Probation Violation.

On Saturday, March 26th, 2022, the Hart Police Department was dispatched to the 10 block of Lincoln Street referencing a Retail Fraud that occurred on Thursday, March 24th, 2022. A 61-year-old Mears woman was noted via surveillance footage stealing a wallet from a local business. The woman was located and later admitted to stealing this wallet from the business. A report will be submitted to the Oceana County Prosecutor's Office for his review.

On Friday, April 1st, 2022, the Hart Police Department was dispatched to the 400 block of Wood Street regarding a Well-Being Check. A 29-year-old Hart man was reported to be "slumped" over in his vehicle. Officers arrived on the scene and were able to awake the man. The man was on probation via the Oceana County Probation Parole Office. The man was searched, and a clear plastic bag with white powder was located on the man. The white powder was later tested, testing positive for Methamphetamine. The man was arrested and lodged at the Oceana County Jail for a Probation Violation. Additionally, a report will be submitted to the Oceana County Prosecutor's Office for Possession of Methamphetamine.

On Wednesday, April 6th, 2022, the Hart Police Department initiated a traffic stop on a vehicle on 72nd Avenue near Polk Road, referencing a vehicle violation. The vehicle operator, a 26-year-old Hart woman, was run in LEIN, Law Enforcement Information Network, and showed multiple outstanding warrants for her arrest out of Muskegon and Oceana Counties. The passenger, a 26-year-old Hart man, was also run in LEIN and showed multiple outstanding warrants for his arrest out of Muskegon County. The woman was lodged at the Oceana County Jail regarding these warrants, while the man was turned over to the Muskegon Police Department without incident.

Respectfully,

J. Salazar,
Chief of Police

City of Hart Police Department

407 State Street Ph. (231)873-2488 Fax (231)873-0100 Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: April 26th, 2022

RECENT EVENTS

From Thursday, April 7th, 2022, through Wednesday, April 20th, 2022, the Hart Police Department received 63 complaints ranging from Assault & Batteries, Medical Assists, Vehicle Violations, Well-Being Checks, Suspicious Situations, Assist to Other Agencies, Disturbances, Disorderly Conducts, Larcenies, Harassment Complaints, Mental Health Complaints, Property Damage Crashes and Suspected Child Abuse Complaint.

On Thursday, April 7th, 2022, the Hart Police Department was dispatched to the 3000 block of Polk Road, referencing a 28-year-old Hesperia man being located unresponsive at his place of employment. Officers began life-saving efforts, CPR (Cardiopulmonary Resuscitation), immediately when arriving on the scene. LIFE EMS also arrived on the scene and continued life-saving efforts. Later, the man was transported to Lakeshore Hospital in Shelby but was later pronounced deceased. Officers were assisted by the Oceana County Sheriff's Office and the Hart Fire Department. An investigation is ongoing.

On Friday, April 8th, 2022, the Hart Police Department initiated a traffic stop on Polk Road near US31 Expressway regarding an equipment violation. It should be noted that when initiating the traffic stop, two vehicles, the first vehicle being operated by a 33-year-old Muskegon man and the second vehicle being operated by a 25-year-old Muskegon Heights man, came to a stop. As a result, the Muskegon Heights man was cited for Driving While License Suspended, and the Muskegon man was cited for Operating a Motor Vehicle without Insurance.

On Sunday, April 10th, 2022, the Hart Police Department was dispatched to the 10 block of Church Street, referencing a Mental Health Complaint. A 48-year-old Hart man reportedly acted abnormally and spoke with the "devil." The man was also causing a disturbance within the home by grabbing a golf club and threatening to cause damage to the home. The Officer located the man and convinced him to seek treatment at the hospital. The man was transported by family to Mercy Hospital in Muskegon for further evaluation.

On Wednesday, April 14th, 2022, the Hart Police Department initiated a traffic stop on State Street near Wood Street about a vehicle violation. As a result, a 20-year-old Hart man was cited for Operating a Motor Vehicle without Insurance.

On Wednesday, April 14th, 2022, the Hart Police Department initiated a traffic stop on Oceana Drive near Polk Road regarding an equipment violation. As a result, a 20-year-old Shelby man was cited for Operating a Motor Vehicle without a License.

On Saturday, April 16th, 2022, the Hart Police Department officers assisted with traffic control during the Annual 2022 Hart Hills Bicycle Race, blocking several intersections within the city and the 2022 Easter Egg Hunt at the Oceana County Fairgrounds.

On Monday, April 18th, 2022, D/Sgt. Skipski conducted two separate drug awareness classes for Mrs. Hlady's, Hart High School teacher, Health students. The class was composed of a PowerPoint presentation, a visual display of various drug paraphernalia and a question-and-answer session.

On Tuesday, April 19th, 2022, D/Sgt. Skipski conducted two separate instructional classes on CPR for Mrs. Jazwinski's, Hart Middle School teacher, Health class. The students were lectured on CPR performance skills and practical evaluation and will receive an AHA card for hands-only CPR.

As of Sunday, April 17th, 2022, Officer Anderson worked his last shift with the Hart Police Department. On behalf of the Hart Police Department, I would like to recognize and thank Officer Anderson for his dedication and valued contributions to the Hart Police Department and for serving the citizens of the City of Hart for the last seventeen (17) years. Officer Anderson will be greatly missed by everyone in the department. Officer Anderson was presented with a plaque for his dedicated service to the community. I wish Officer Anderson the very best in his future endeavors.



Respectfully,

J. Salazar,
Chief of Police

CITY OF HART
ORDINANCE NO. 22-03
ZONING ORDINANCE AMENDMENT

At a regular meeting of the Hart City Council held at City Hall on the 26th day of April 2022, at 7:30 p.m.

PRESENT:

ABSENT:

The following ordinance was offered by _____ and supported by _____:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDINANCES, CHAPTER 818, PART 8, ZONING ORDINANCE, A TEXT AMENDMENT TO EXTEND THE DATE OF AUTOMATIC EXPIRATION OF ORDINANCE

Section 1 Text Amendment. 818.08 **Automatic Expiration of Ordinance.** Unless confirmed, extended, or revised, on October 19, 2024, the provisions contained in Sections 818.01 through 818.07 shall expire and be of no further force and effect within the City, as if they had never been adopted. No action shall be required for this expiration to be effective.

Section 2 Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: __

NAYS: __

First reading: April 26, 2022

Second reading: May 11, 2022

Ordinance becomes effective: May 30, 2022

City of Hart
407 State Street
Hart, MI 49420

April 19, 2022

Honorable Mayor Platt and Councilmembers,

Hart has owned the John Gurney Park Campground since 1912 when the land was donated to the city. In the 1920's it was established as the first auto tourist camps in the state sitting adjacent to the popular West Michigan Pike. The park is a popular destination for campers that want a spot with easy access to services and area recreational opportunities, without the noise and heavy activity associated with some of Oceana County's other campgrounds. Currently at 91 camping sites, the campground brings visitors to our city that frequent our local businesses to support their stays in Hart.

Recently Oceana County and The Sherrif's Department has identified significant problems with the aging nature of our current county jail. By the direction of the county commissioners, Sherrif Mast has begun discussions on potential locations and designs of what could be a future jail site. The idea of a land swap with the city was brought up in discussion. Council should carefully consider the potential risks and benefits to Hart residents and business owners. The details of the potential land swap have yet to be discussed pending council input on the concept.

High level points include the city surrendering a 14-acre parcel South of Seneca Foods off Oceana Drive (adjacent to the city water tower). The county would offer all or a portion of its 22-acre parcel off Oceana drive next to the District #10 Health Department and the Norman Kuhne Recreation Park soccer fields. This proposal may or may not include a 10,000 +/- sq. ft. pole building that currently exists to the north of the soccer fields.

There are a number of potential benefits to the city that include continuing to promote cooperation with our county, retaining the jail in city limits keeps the jail on city utilities, and the development of an underutilized city owned property. There also may be the opportunity to move the baseball diamonds at John Gurney Park next to the soccer fields off Oceana Drive. This would consolidate league sports to a single location potentially helping parents with multiple children playing sports and could potentially be used to grow Hart Rec and/or other area recreation authorities. Moving the ball fields from the campground could allow for the expansion of camping site offerings. This could easily double the size of John Gurney Park which currently operates at close to 100% capacity, bringing more visitors to Hart and Hart businesses.

I'm happy to discuss this concept with council prior to responding to the county further.

Respectfully,

~Rob Splane
City Manager